



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | | | |
|---|-------------|----------------------|-----------------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/553,242 | 10/14/2005 | Hartmut Sauer | 15664-007US1 204/04009US | 6974 |
| 69713 | 7590 | 02/27/2009 | EXAMINER | |
| OCCHIUTI ROHLICEK & TSAO, LLP 10 FAWCETT STREET CAMBRIDGE, MA 02138 | | | KERNS, KEVIN P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1793 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/27/2009 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/553,242

Examiner

Kevin P. Kerns

Applicant(s)

SAUER, HARTMUT

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 01 December 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Kevin P. Kerns/
Primary Examiner, Art Unit 1793

Continuation of 1(c) Other:

The applicant did not address any of the objections to the specification, as set forth in section 5 of the Office Action mailed August 1, 2008.

Continuation of 3(c) Other:

The 2 new drawing sheets dated December 1, 2008 are objected to for the following reasons:

- 1) New Figure 2 includes German terms, such that the three portions of Figure 2 cannot be clearly determined in the absence of an English translation of these terms; and
- 2) New Figure 4 should be labelled as "Prior Art", since the applicant's DESCRIPTION OF DRAWING on page 2 of the amendment dated December 1, 2008 refers to Figure 4 as "the state of the art".

Continuation of 4(e) Other:

- 1) Claim 9 continues to include two instances of the term "fibre", which should be changed to "fiber" (also see the Claim Objections under section 6 of the Office Action mailed August 1, 2008);
- 2) New claim 25 also includes the term "fibre", which should be changed to "fiber"; and
- 3) New claim 27 incorrectly includes two consecutive instances of "surface".

Corrections and/or clarifications are required.